

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC JOINT APPLICATION OF)	
KENTUCKY UTILITIES COMPANY AND)	
LOUISVILLE GAS AND ELECTRIC COMPANY)	
FOR CERTIFICATES OF PUBLIC)	CASE NO.
CONVENIENCE AND NECESSITY AND SITE)	2022-00402
COMPATIBILITY CERTIFICATES AND)	
APPROVAL OF A DEMAND SIDE MANAGEMENT)	
PLAN)	

ORDER

This matter arises upon the motion of the Lexington Fayette Urban County Government (LFUCG), filed January 20, 2023, for full intervention. As a basis for its motion, LFUCG stated that it has a special interest in these proceedings not otherwise adequately represented and that it will present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

LEGAL STANDARD

The only person who has a statutory right to intervene in a Commission case is the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), pursuant to KRS 367.150(8)(b). The Attorney General filed a motion to intervene in this case on November 21, 2022. The Commission granted

the Attorney General's motion to intervene on November 30, 2022. Intervention by all others is permissive and is within the sole discretion of the Commission.¹

The regulatory standard for permissive intervention, set forth in 807 KAR 5:001E, Section 4, is twofold. Commission regulation 807 KAR 5:001E, Section 4(11), requires a person to set forth in the motion to intervene either (1) a special interest in the proceeding that is not otherwise adequately represented in the case, or (2) that intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficiently advised, the Commission finds that LFUCG has demonstrated that it has a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented and that LFUCG is likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating the proceedings, for the reasons discussed below.

LFUCG has a special interest in this case due to the potential effects on its rates, as well as the rates of residents in Lexington/Fayette County. LFUCG also takes service under a variety of rate classifications, including street lighting and traffic energy, which are rate classes that are unique to governments. In its motion to intervene, LFUCG stated that it is a customer of Kentucky Utilities (KU) and paid approximately \$13 million in rates to KU in the most recent fiscal year.²

¹ *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

² LFUCG's Motion to Intervene (filed Jan. 20, 2023) at unnumbered pages 1–2.

LFUCG is also likely to present issues or develop facts that will assist the Commission without unduly complicating or disrupting the proceedings. In its motion, LFUCG stated that it has participated in past customer collaboratives with Louisville Gas & Electric and Kentucky Utilities (LG&E/KU) to develop potential programs and policies. LFUCG also has participated in past Commission proceedings involving LG&E/KU.³ In its motion, LFUCG noted that it intended to focus its participation in these proceedings to LG&E/KU's proposed DSM plan and the impact of LG&E/KU's proposals on reducing emissions. While there is overlap between LFUCG and Louisville/Jefferson County Metro Government's (Louisville Metro) interests, the Commission has previously allowed both local governments to intervene in prior Commission proceedings.⁴ Moreover, both LFUCG and Louisville Metro have retained the same private law firm to represent their interests. The same firm represented both local county governments in Case Nos. 2020-00349 and 2020-00350.

³ Case No. 2018-00294, *Electronic Application of Kentucky Utilities Company for an Adjustment of its Electric Rates* (Ky. PSC Apr. 30, 2019); Case No. 2020-00349, *Electronic Application of Kentucky Utilities Company for an Adjustment of its Electric Rates, A Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit*, (Ky. PSC June 30, 2021).

⁴ See Case No. 2018-00294, *Electronic Application of Kentucky Utilities Company for an Adjustment of its Electric Rates* (Ky. PSC Apr. 30, 2019) and Case No. 2018-00295, *Electronic Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates* (Ky. PSC Apr. 30, 2019); Case No. 2020-00349, *Electronic Application of Kentucky Utilities Company for an Adjustment of its Electric Rates, A Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit*, (Ky. PSC June 30, 2021) and Case No. 2020-00350, *Electronic Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit* (Ky. PSC June 30, 2021).

Based on the above, the Commission finds that LFUCG should be granted full rights of a party in this proceeding. The Commission directs LFUCG to the Commission's July 22, 2021 Order in Case No. 2020-00085⁵ regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. LFUCG's motion to intervene is granted.
2. LFUCG is entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. LFUCG shall comply with all provisions of the Commission's regulations, 807 KAR 5:001E, Section 8, related to the service and electronic filing of documents.
4. LFUCG shall adhere to the procedural schedule set forth in the Commission's January 6, 2023 Order and as amended by subsequent Orders.
5. Pursuant to 807 KAR 5:001E, Section 8(9), within seven days of service of this Order, LFUCG shall file a written statement with the Commission that:
 - a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and
 - b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

⁵ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

PUBLIC SERVICE COMMISSION



Chairman

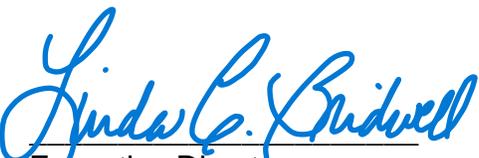
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Commissioner



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